

**MINUTES
COLUMBUS PLAN COMMISSION
WEDNESDAY JANUARY 7, 2004 AT 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: John DeLap, President, T. Craig Hawes, Jack Heaton, Shirley Todd, Dave Fisher, Steve Ruble, Mike Gillespie, Gary Nienaber, John Hatter

Members Absent: Dave Bonnell and Pat Zeigler.

Staff Present: Roger Hunt, Planning Director, Heather Pope, Sondra Bohn, Thom Weintraut, Laura Thayer, Tiffany Strait, Planning Department; Tom Finke, County Plan Commission Liaison, and Alan Whitted, Deputy City Attorney.

LIAISON REPORTS

Written reports were received and discussed.

CONSENT AGENDA

Minutes of December 3, 2003 meeting.

Motion: Mr. Heaton made a motion to approve the December 3, 2003 minutes. Mr. Gillespie seconded the motion and it carried unanimously.

OLD BUSINESS REQUIRING COMMISSION ACTION

SP-03-3 Clifty Crossing Shopping Center, a petition by Continental Clifty, LLC for a sign development plan for property located at 1149 N National Road, Columbus, on the northwest corner of the intersection of National Road and Taylor Road, to allow three tenant signs on the existing pylon sign that exceed the maximum 75% allowed.

Ms. Pope presented this request stating this is the location of the old Wal-Mart and Pick-N-Save property. Clifty Crossing is under new ownership and is actively working to fill the two big box spaces. Currently, the old Wal-Mart building has been divided into three tenant spaces. Two of which are occupied by Hobby Lobby and Bed Bath and Beyond. The third tenant space is planned to be occupied by Old Navy. In the Pick-N-Save location the new owners plan to divide this area into two to four tenant spaces also. Planning Staff has not received any confirmation of these tenants. With this center gaining several new, big named, tenants, the owners are trying to do their part in providing tenants the opportunity to be more visible by requesting a sign development plan which allows five tenant spaces to be located on the only free-standing sign on the property.

According to the ordinance you are allowed to have a freestanding sign on each road frontage with the advertising of three tenant spaces below the primary sign. The tenant signs cannot exceed 75% of the primary sign.

The petitioner has proposed a 78 sq. ft. tenant sign area containing five tenant spaces. The existing free-standing primary sign is 67 sq. ft. which would allow for 50.25 sq. ft. of tenant space.

Ms. Pope stated staff would recommend approving the sign development plan to be consistent with past decisions made by the plan commission for other such development plans along the National Road corridor.

Sean Cullen, Continental Retail Development, presented this request.

Mr. Gillespie, representing the Parks Department, would like to make sure sidewalks are part of this development.

Mr. Cullen stated that he and Mr. Ruble will be coming to a conclusion within the next few weeks regarding sidewalks at Tenth Street and Taylor Road.

Mr. Ruble asked about the maximum number of signs this property would be allowed under the current ordinance.

Ms. Pope stated according to the ordinance they would be allowed a pylon sign every 300' of frontage and each sign could have a maximum of 150 square feet. This would include National Road and Taylor Road frontage.

Motion: Mr. Gillespie made a motion to approve as recommended by staff. Ms. Todd seconded the motion and it carried by a vote of 9-0.

PP-03-03, WOODLAND PARKS, By Skaggs Builders, Inc., is a proposal to create 152 residential lots totaling 47.7 acres. The property is located on the west side of US 31, approximately 400 feet north of CR 400 North in German Township.

Ms. Strait stated that she has no additional comments regarding this request other than what was presented at the December Plan Commission meeting. This petition was continued at the request of the petitioner to prepare a new drainage study. Mr. Ruble has received and reviewed this drainage study.

Mr. Ruble stated that he received an updated drainage study for this petition yesterday. He has also received information concerning the access across US 31 into the subdivision in the form of a letter from INDOT stating they will support this crossover.

E.R. Gray, E.R. Gray & Associates; Marty Mann, drainage consultant; and Albert Skaggs, petitioner and property owner represented the petition. Mr. Gray reiterated that INDOT has given approval for the entrance to the subdivision. He referred to Mr. Mann to present the drainage report.

Mr. Mann stated he will present the drainage system that exists today and discussed the impacts of the project with regards to drainage. He referred to topographic maps of the area showing the existing drainage flow. Currently there is poor drainage. The east portion of the site drains to US 31. On the west side of US 31 the water drains to the south. He stated there is a restrictive culvert under the railroad tracks that are east of US 31. This restricted culvert handles approximately 230 acres of drainage. The property's drainage goes through a single 42" concrete pipe under US 31, then through a 30" railroad culvert, at which time the water drains to the south through another 48" metal pipe through an old embankment. Then it makes its way to

the Big Slough that dumps into the Flat Rock River. At no time does the water stop flowing. Again, the blockage lies with the 30" culvert under the railroad tracks. He added that there is not a lot of development in this area or any detention ponds currently in this watershed. He added that the standing water in the area is not all due to the inadequate culvert but the grades along US 31 are flat. He stated the county ran a storm sewer drain years ago to help drain North Gate Subdivision. He stated that the drainage area is an "impacted drainage area", which means that the drainage area is not functioning properly by today's standards. Part of the impact is due to Big Slough's elevation be 639' above sea level.

Mr. Mann stated that part of the solution to the impacted drainage area is to hold the water back. He has designed the detention ponds to hold the 100-year run off. He has recommended using a 4" outlet to hold the water back to allow for the other areas to dry out prior to this development's water being released. Additionally, he recommends improving the county installed storm sewer system. He added the pond would have an emergency overflow that will drain into the entrance drive. The entrance drive will become an emergency spillway and take the water down to US 31 so this development would not flood any of the adjacent properties. The pond's emergency overflow will only be used if we receive over a 100-year flood. With this detention pond in place it will be holding back the flow at the blocked railroad culvert and allow water to flow more smoothly. The developer has agreed to install a detention pond twice the size it would regularly need to be to handle the drainage problems around this site. This development will not solve the drainage problem in the area but will improve the drainage.

Mr. Ruble commented that Mr. Mann based his drainage plan on the Indianapolis Storm Water Control Ordinance which is much stricter than ours. Using that ordinance Mr. Mann came up with an allowable flow rate off of this site over 18 cubic feet per second, but his design is detaining that back to less than one cubic foot per second. Therefore, the developer is making an effort to hold back the water as much as practical.

The commission had some discussion with Mr. Mann on the location of the detention ponds and how it will handle the drainage upstream.

Mr. DeLap opened the public hearing.

Howard Empson, David Wilson, Gary Gardner, Vicky Wilson, Robert Stevenson and Don Strietelmeier expressed concern about the drainage in the area and this development only increasing drainage problems, along with reduction in property values.

Mr. DeLap closed the public hearing.

Mr. Heaton asked Mr. Ruble if this proposed drainage plan would help the area or harm the area.

Mr. Ruble stated this will help the area as designed.

Mr. Skaggs stated that his development will not only control the water on site but will also help control the water to the north. He added this development will enhance the drainage.

Mr. Fisher asked Mr. Ruble why this plan improves the drainage situation and he asked the developer about the school district population.

Mr. Gray does not have any comments regarding the school district. He reiterated that they are not asking for a rezoning, they are just developing the property under the already approved,

existing zoning district.

Mr. Hunt reported that the children in this neighborhood would attend Schmitt Elementary.

Mr. Ruble stated what Mr. Mann has reported to this commission before is that when looking at drainage you want to look at upstream drainage area, downstream drainage area, and the actual site. Starting with the upstream drainage area, this developer has indicated that he is going to accept and hopefully improve some of the drainage that is currently entering his site from upstream. That currently is not being handled in a very efficient manner. The onsite drainage will take care of itself with the onsite storage system throughout the development. The report that Mr. Mann and the developer has furnished shows they are going to greatly reduce the rate at which the storm water leaves this site. It's not going to solve the downstream problem. They cannot, on their site, solve the downstream problem. But what they are doing is making every effort they can to reduce what they can influence. He concludes that the developer is acting in a responsible manner and is comfortable with the report presented.

Mr. Ruble asked the developer about the blocks in this subdivision and their maintenance.

Mr. Skaggs stated that a lot owners association would maintain the blocks.

Mr. Grey stated they will add a note to the plat stating the homeowners will maintain the blocks along with the conveniences.

Motion: Ms. Todd made a motion to deny this proposal. Mr. Hatter seconded the motion and it failed by a vote of 2-7. The nay voters are Mr. Heaton, Mr. Hawes, Mr. Fisher, Mr. Nienaber, Mr. DeLap, Mr. Gillespie, and Mr. Ruble. The motion failed.

Motion: Mr. Ruble made a motion to approve this proposal and accept the drainage plan as presented. Mr. Fisher seconded the motion and it carried by a vote of 7-2. The nay voters were Ms. Todd and Mr. Hatter.

PP-03-04, BREAKAWAY TRAILS SECTION THREE, By Robert Thompson, is a proposal to create 89 residential lots totaling 27.03 acres. The property is located on the northwest corner of the intersection of Middle Road and Parkside Drive in Columbus Township.

Ms. Strait stated on December 3, 2003, this petition was heard by the Columbus Plan Commission. The file was continued to the January 7, 2004 meeting so that the petitioner had time to consider changes to the plan. Specifically, the petitioner was asked to eliminate the park or put it back to where it had originally been approved. Second, it was suggested that the petitioner reconsider the street configuration, so that Parkside Drive (a collector street with 70' of right-of-way) would handle additional traffic instead of funneling all of the new traffic to Pinewood Drive (a local street with 50' of right-of-way). Additionally, staff would like the petitioner to reconsider the name of Pawnee Trail/Cherokee Trail/Sioux Trail. Staff advises coordinating the name with Code Enforcement recommendations in order to avoid future confusion for mail delivery, emergency response and street addressing.

The new 73-lot submission, which should accompany this memo in the plan commission packets, addresses all but the street naming system. This is a minor detail that can be worked out and should not be considered a stopping point for a decision by the plan commission.

Staff recommends approval of the newly submitted Breakaway Trails, Section 3, Amended Preliminary Plat with staff comments.

Orwic Johnson, Columbus Surveying and Engineering and Robert Thompson, developer, presented this request. Mr. Johnson stated that after last month's meeting they have gone back to the original plan, almost. In the plan they are presenting at this meeting they are proposing 236 lots. The original plan showed 237 lots.

Mr. Gillespie, speaking on behalf of the Parks Department, expressed his concern of the elimination of the park. He asked the developer if assistance could be provided for maintenance to a neighboring park, over by Northbrook, through the Park Foundation.

Mr. DeLap clarified for the petitioner, that they are getting a polite request to help the Parks Foundation. This will in no way condition their approval request at this meeting. According to our ordinance we cannot enforce them to donate to the Foundation.

Mr. DeLap opened the public hearing.

Mary Ferdon stated that she is satisfied with the new configuration of the subdivision. However, she would still like to have connecting sidewalks or people trails to this subdivision.

Mr. DeLap closed the public hearing.

Mr. Johnson addressed the sidewalk concerns, stating that the request was to provide a sidewalk for students walking to Parkside Elementary. With this layout of lots it will not improve or reduce the travel distance to the boundary of the project.

Mr. Gillespie, on behalf of the Parks Department, would ask that the sidewalks or people trails installed along Middle Road be similar to those already installed along Middle Road.

Mr. Ruble stated the sidewalk along Middle Road is built to people trail standards.

A discussion was held, by the commission, regarding connecting sidewalks/paths.

Motion: Mr. Heaton made a motion to approve this petition as presented. Ms. Todd seconded the motion and it carried by a vote of 9-0.

SU-03-12: Little Rock Ministries Special Use Rezoning - A petition by Little Rock Ministries, on behalf of Hartup Tool Inc., to rezone a property of approximately 3.41 acres, located at 910 South Marr Road, fronting on the west side of Marr Road south of Roadway Drive and north of the L+I Railroad spur line, from I-3 (Heavy Industrial) to SU-1 (Churches), to allow a current building and parking lot to be used as a church facility.

Mr. Hunt presented this request stating the property in question is the former Hartup plant on the west side of South Marr Road, in the Bartholomew County Industrial park south of State Street. Little Rock Ministries, who have a current location on State, is a growing ministry and needs a larger worship space. They are interested in occupying this former factory until such time as they grow large enough to acquire and develop a property of their own.

The city Zoning Ordinance does not address uses that are not permanent, but that last longer than a seasonal-type time frame. It would be helpful to have a conditional use mechanism or

similar tool to deal with proposals such as the current one. However, under the current ordinance, the church is required for all practical purposes to rezone the property if they wish to occupy it. They plan no changes to the building except some interior work to make it useable as a church. No change is contemplated to the exterior of the building, parking, landscaping, and other site features. The property seems to be in conformity at present with I-3 standards. Since this can be viewed as a temporary occupancy until the church finds a permanent home, staff recommends the standards be confirmed as they are now.

Additionally, the Comprehensive Plan does not endorse non-industrial occupants in industrial parks. Industries are usually better neighbors for other industries and industrial support services. However, churches are different land uses in two respects: (a) they usually have peak-usage hours that do not overlap much if at all with peak industrial hours; and (b) they are a traditional element in all types of neighborhoods, business, residential, agricultural, and industrial. The proposed rezoning will not compromise the city's available supply of industrial properties as soon as they move out, the church will leave the building and property much as they are now, ready for new industrial occupancy. This is reflected in the included site plan, which is in essence no different than the previous industrial tenants plans.

Mr. Hunt adds provided that the church is willing to assert that it does not wish to occupy the property permanently, staff recommends approval of the rezoning as proposed. Additionally, he would recommend an annual review of the special use. This will give plan commission an opportunity to see how the church is progressing.

Mr. Fisher asked why the rezoning of the property compared to a conditional use being approved by the Board of Zoning Appeals.

Mr. Hunt stated the city does not have the mechanism to allow churches as a conditional use like the county ordinance allows. In the county zoning ordinance you can keep the underlying zoning, which in this case is industrial (I-3), while allow an overlay of use, in this case a church. He suggested rewriting this into the ordinance when the city's zoning ordinance is rewritten.

Mr. Hawes suggested having the church go to the Board of Zoning appeals and get a variance for a couple years.

Mr. Hunt stated that the only variance that would be able to be requested is a use variance. According to State Law, to obtain a use variance, you have to demonstrate that there is no other viable economic use for that property. This is not something that staff believes could be proved, for this property.

Ric Sanders, E.R. Gray & Association and Brian Elkins, Little Rock Ministries presented this request.

Mr. Gillespie asked what the churches time frame is for occupying this building.

Mr. Sanders stated that they do not have a time frame. However, they do have goals. The decision to move from this building will be made once the growth is there.

Mr. Gillespie does not believe that an annual review would be necessary.

Mr. Delap stated that the purpose for the suggested annual review is that this is not the ideal use for this piece of property. The best and most idea use would be an industrial use, since this is located in the middle of an industrial park.

Mr. Fisher stated that if industrial is the highest and best use for this property, that is why he would like to see a time frame put on this proposal. He added that the property would not automatically revert back to industrial once the church moves out. It will be rezoned back to industrial or to special use only if this commission makes a recommendation to the city council and receives two favorable votes from them.

Mr. Hawes stated that he does not believe that putting a church in the middle of an established industrial park on a railroad spur, especially when Columbus is trying to attract new industry, is a good idea.

The commission held a discussion on attracting businesses, economic growth, and infill.

Mr. Elkins stated that the reason the church chose this site was due to the location, they are an outreach ministry. Currently, their congregation is at 80 to 100 people and they are hoping to grow substantially once in their new location.

Mr. Hawes noted that the building on this site is 47,000 square feet, which is larger than First Christian, who has approximately 800 members. He also expressed concern about child/day care at this location.

Mr. Hunt stated that if they did wish to have child/day care at this facility they would need to return to the Plan Commission.

Mr. DeLap opened the public hearing.

No one spoke for or against this request.

Mr. DeLap closed the public hearing.

Mr. Hunt read a letter from Thomas McQuiry, representing Road Way Express. His letter wanted to make sure that this request would not restrict semi-truck traffic on Marr Road or Roadway Drive.

Mr. Ruble commented that he could not recommend either way on the interference of truck traffic because of not knowing the timing. He added he would not want to encourage church traffic in an industrial park.

Mr. Fisher stated that if an exception needs to be made here then the commission should take the time to make the change to the rules to allow the exception to be made rather than going with the rules that we have now and making a decision that is not in the best interest of the comprehensive plan or the commission in a long term basis.

Ms. Todd clarified with the petitioner that this request is due to the church outgrowing their current location in East Brook Plaza.

Mr. Whitted commented that Mr. Fisher is correct in stating that once this property is rezoned it is in fact rezoned. To take it back or allow a temporary rezoning would not happen if that were the

commission's intent. In the Special Use zoning with the designation of one (1) only a church can be at this location, so the commission needs to look to see if this in fact meets the comprehensive plan.

Mr. DeLap asked staff to develop a conditional use section that would allow a temporary use to be located for a longer period of time than a seasonal use with approval or denial granted through the Board of Zoning Appeals.

Mr. Hunt explained the time frames for rezoning, proposing and approval of an amendment to the zoning ordinance, and the Board of Zoning Appeals.

Mr. Sanders stated that the church is ready to move into the building. Therefore, they would prefer to go ahead with the rezoning request at this point.

Motion: Mr. Heaton made a motion for an unfavorable recommendation on this rezoning request. Mr. Fisher seconded the motion and it carried by a vote of 8-1. Ms. Todd was the nay vote.

C/ZC(SP)-03-01: MACTac Facility Expansion Site Plan - A petition by Larry Nitzsche for Morgan Adhesives Company, on behalf of MACTac Inc., to approve a site plan for a property of approximately 20 acres, located east of the current MACTac property on Norcross Drive and west of CR 175 W, to allow a 131,544 square-foot addition to the current manufacturing facility on the subject property, in partial fulfillment of a rezoning condition appertaining to the subject property.

Mr. Hunt presented this request stating that MACTac, a manufacturing tenant at Woodside Industrial Park, wishes to expand its facility to the east, onto a now-separate piece of property. You may recall that the property due east of MACTac was rezoned last year from AG to I-3, and simultaneously was annexed to the city. Now, the Pucketts are in the process of selling the property to MACTac for purposes of the expansion.

The Plan Commission and City Council conditionally rezoned the property to include 10 conditions, most of which relate to impacts on CR 175 W, which is currently the only frontage for the full 40-acre parcel. One condition is that any site plan for the subject property be reviewed by the Plan Commission, which is the factor that brings it to your agenda this month.

Since MACTac is splitting the property into two 20-acre pieces and plans to develop only the western half, no access from or impact upon CR 175 W will result from implementation of this site plan. The staff have therefore interpreted most of the conditions as applicable only to the eastern half of the property, fronting on CR 175 W. Those conditions would be triggered when/if that 20-acre portion is developed. Although MACTac is acquiring the entire 40 acres, they have no plans to develop or use in any fashion the eastern 20 acres. In essence, the only significant condition regarding the proposed development is the site plan review.

Mr. Hunt added that new manufacturing jobs and equipment are not easy to come by in Indiana nowadays. The addition to MACTac's plant will provide a significant boost to the Columbus/Bartholomew County economy. The planning staff and other city departments have been happy to work with MACTac officials to help facilitate this important project. With the addition of a few details that likely can be reviewed by staff, the site plan will be complete and a Zoning Compliance Certificate issued. Staff recommends approval of this plan with conditions as noted.

Staff would Recommend approval of the site plan with the following conditions:

1. A replat shall be reviewed and approved to create a single lot for the current facility and its proposed expansion.
2. Traffic access to the 20-acre tract shall be restricted to Inwood and Norcross Drive only.
3. Drainage information meeting the City Engineer's requirements shall be subject to review and approval by the Engineer.
4. Any additional signage shall require review and approval by the planning staff at the appropriate time.
5. Landscaping shall be subject to review either by staff or by the Landscape Review Committee, as appropriate, prior to issuance of an occupancy permit.

Mr. Hawes stated that this company is an industrial use in an industrial park and this is what the comprehensive plan intended. This company plans to provide 75 more jobs with this proposed expansion.

Larry Nitzsche, Vice President of Engineering for MACTec, and Denis Faltnski, Plant Manager for MACTec, presented this request.

Mr. DeLap opened the public hearing.

No one spoke for or against this request.

Mr. DeLap closed the public hearing.

Motion: Mr. Hawes made a motion to approve the site plan with staff's recommendation. Mr. Ruble seconded the motion and it carried by a vote of 9-0.

RZ-03-16: 803 Washington St. Rezoning - A petition by Richard L. Sprague to rezone a property of approximately 18,000 square feet, located on the northeast corner of Washington Street and 8th Street, from B-2 (Community Business District) to B-3 (Central Business District).

Ms. Thayer presented this request stating that the lot in question contains an automobile service station that has been vacant for more than 12 months. If this gas station was still open, it would be a nonconforming use. A new gas station could not be established here without rezoning, minimally to B-4 (Highway Business).

The application states that the reason for the zoning change is to "permit a vacant filling station site and existing building to be used for an inside car wash and detailing facility." This use would not be permitted under existing B-2 zoning. The B-3 district allows limited automobile servicing in enclosed buildings.

The 8th and Washington intersection represents a gateway to Downtown. Because the prior use was abandoned more than 12 months ago, the owner will be required to bring the site up to current codes, including installing landscaping, which should improve the appearance.

Ms. Thayer adds as the former use on this site was abandoned more than 12 months ago, site plan review by planning and engineering staff will be required, and the property will need to be brought up to current codes. Landscaping, sidewalks, signage, parking, lighting, and drainage will be reviewed at that time.

The B-3 District does not have a parking requirement since the zoning ordinance assumes that parking downtown is achieved through street parking and reservoir lots. This property has some

space for on-site parking, and there is limited parking on Washington Street. Otherwise, the closest public lot is adjacent to the library, approximately 700 feet away by foot. The proposed use should not generate a need for much parking. Other B-3 uses may have greater parking demands; however, parking is an all-downtown problem, not just a problem for this lot.

Ms. Thayer reported on the recommendation of the City Engineers Office where they would recommend closing the two driveways closest to the intersection on this site. This action is a reasonable change, as the land use is changing, to improve traffic safety at the 8th and Washington intersection. Rights of access consistent with commercial use of the site will not be adversely affected.

Ms. Thayer concludes by stating that staff has no objection to this request and recommend favorably.

Orwic Johnson, Columbus Surveying and Engineering, John Bragg, developer, presented this request. He commented that the proposed uses, car wash/detailing, will all take place within the building. The developer felt this would be an asset to the downtown area.

Mr. DeLap opened the public hearing.

No one spoke for or against this request.

Mr. DeLap closed the public hearing.

Motion: Mr. Hawes made a motion for a favorable recommendation on this rezoning as requested. Mr. Fisher seconded the motion and it carried by a vote of 9-0.

DISCUSSION ITEMS

Ordinance Amendment

Motion: Mr. Hawes made a motion to initiate staff to draft an ordinance amendment to allow a conditional use permit for temporary uses to be reviewed and approved by the Board of Zoning Appeals. These temporary uses are uses that last longer than seasonal type uses that the ordinance already permits. Mr. Heaton seconded the motion, and it carried unanimously.

Election of Officers for 2004

Mr. Ruble, Ms. Zeigler, and Mr. Hatter served on the nominating committee for the Election of Officers for 2004. Mr. Ruble gave their nominations as follows:

John DeLap, President
Dave Bonnell, Vice President
Steve Ruble, Secretary

Motion: Mr. Gillespie made a motion to accept the nominations as presented. Ms. Todd seconded the motion, and it carried unanimously by voice vote.

REPORTS & RECOMMENDATIONS

Director's Report

Mr. Hunt had no report at this time.

ADJOURNMENT: 7:00 P.M.